

In the Claims

Please amend Claim 10. Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (page i).

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10. (Twice amended) A method for ablation of tumour cells, comprising administering locally into said tumor cells or close to the site of said tumor cells prodrug molecules and a capsule wherein the capsule comprises a porous membrane formed by a polyelectrolyte complex which encapsulates cells which express a cytochrome P450 gene, wherein the membrane is permeable to the prodrug molecules, the cytochrome P450 gene and the cytochrome P450 expressed by the gene are retained within the capsule and the prodrug molecules are converted into active drug molecules by cytochrome P450 and thereby ablate the tumor cells.
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REMARKS

Provisional Rejection of Claims 1-4 and 6-22 under the judicially created doctrine of obviousness-type double patenting

Claims 1-4 and 6-22 are rejected under the judicially created doctrine of obviousness-type double patenting "as being unpatentable over claims 1-24 of co-pending Application No. 09/442,979" (Office Action, page 2).

Applicants will address the rejection upon an indication that there is allowable subject matter in the referenced application.

Rejection of Claim 10 under 35 U.S.C. §112, first paragraph

Claim 10 is rejected under 35 U.S.C. §112, first paragraph because the specification "does not reasonably provide enablement for the method as claimed wherein the capsule is contacted with the tumor" (Office Action, page 3).

Applicants have amended Claim 10 to recite a method for ablation of tumour cells, comprising *administering locally into said tumor cells or close to the site of said tumor cells* prodrug molecules and a capsule wherein the capsule comprises a porous membrane formed by a polyelectrolyte complex which encapsulates cells which express a cytochrome P450 gene,